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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,374	06/27/2001	Donald Stone	33343-173349	2405

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P.O. Box 34385
Washington, DC 20043-9998

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,374

Applicant(s)

STONE, DONALD

Examiner

James A. Kramer

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New

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlafly (US Patent number 5,633,998).

Schlafly teaches an electronic spreadsheet system with a Formula Evaluator having a notebook interface and method for compiling spreadsheet formulas into native machine language.

Schlafly teaching that during creation of a particular spreadsheet or workbook model, a user enters formulas in worksheet cells (column 2; lines 25-30). Further, before meaningful results can be given to a user, the formulas of a given spreadsheet must first be evaluated or recalculated. Recalculation is the process by which a spreadsheet's cells, particularly, formula storing ones, are evaluated to express values (column 2; lines 60-65). Examiner notes that this teaching represents receiving rules (formulas) in a spreadsheet format, extracting the rules from the spreadsheet format and applying the rules to available inputs regarding the event to generate results. Examiner further notes that the "extracting" and "applying" are part of the recalculating.

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Schlaflly teaches several examples of recalculation starting on column 3; line 1.

Examiner notes that these examples include constructing a table with an entry for each cell, compiling the rules (formulas) from the spreadsheet and storing a final execution sequence.

Schlaflly further teaches a Formula Evaluator for compiling a given spreadsheet formula into a machine language sequence to be executed by a processor (column 4; lines 5-10).

Examiner notes that this represents storing the final execution sequence in an intermediate form as executable machine code.

Claims 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartley et al (US Patent number 6,532,465).

Hartley et al. teaches an operational system for operating on client defined rules. Specifically, (referencing column 16; lines 52-67) the rating engine disclosed in FIG. 14 is designed for the real time computation of charge data associated with a particular service event. The engine also associates that charge with a particular customer. The service event represents a single instance of service usage and may be a temporarily bounded event such as a connection, a one time service such as installation, or a product purchase. The rating engine communicates with the rest of the system through the messaging services 86. Information related to customers, prices, and geographic information is stored in the database 124. This system further includes a method of matching events to customers and billing plans based on a select criteria. Rate plans are applied to a unit of measure and may be varied depending on parameters which may include: day of the week, time of day, arbitrarily-defined geographic zones where the event originated

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and terminated, distance span, event duration, terminating device type, carrier, and direction of data transfer.

Examiner notes that database, 124 represents Applicant's spreadsheet. Therefore when information related to customers, prices and geographic information is stored, that represents identifying characteristics of input usage records, supplemental data and required results. The system is then able to identify inputs for rating the event based on this stored data and presents, via the client engine the option to select one.

Hartley et al. further teaches an examine service event characteristics module that provides a number of different functionalities. They include determining service type, record validation services, service event record to addressable unit mapping services, addressable unit to rate plan services, normalization of daytimes, determination of service event origination and determination, and determination of service provider. The apply applicable rating rule module 138 is essential for the rating calculator. This process takes as input all applicable rating rules to determine and examine characteristics and apply the resulting charge to the service event record. Finally, the process outbound record module is responsible for processing outbound service records. It provides mechanisms for handling the routing of rated service events, service record exception handling, and rejected service events.

Hartley et al. also teaches a billing engine disclosed in FIG. 15 that rates service use at an aggregated level. It may be used to rate summary usage records or apply to a collection of service usage records. The managed billing features may include volume discount schedules, tiered costs based on transaction aggregation, special promotions, ability to identify and apply separation of charges between groups and individual user's companies, and ability to pay applied

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taxes. In order to retrieve information for these different functions a number of different databases are connected to the billing system. One database may include system information, another may include external data gateway information, and a third may include a billable items queue. The billing module also accesses a set of rules and invoices through other databases. (reference column 17; lines 27-58).

Examiner notes that these teachings represent presenting the data to a bill processor, including required results once an event has occurred.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley et al in view of Schlafly.

Hartley et al, as discussed in detail above does not specifically teach a spreadsheet format. Schlafly teaches rules/formulas in a spreadsheet format. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rules database of Hartley et al. to include a spreadsheet format as taught by Schlafly in order to manipulate the data rather than simply store it.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

JAK


Richard Chilcot
Supervisory Patent Examiner
Technology Center 222
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